

Remarks:

This amendment is submitted in an earnest effort to advance this case to issue without delay. The examiner has indicated that the case contains allowable subject matter.

The specification has been amended to eliminate some minor obvious errors. No new matter whatsoever has been added.

The claims have been revised to improve their language and eliminate reference numerals and nonstandard terminology. In addition claim 2 has been made independent by incorporation into it of the subject matter of claim 1.

Claims 11 and 15, which both depended via claim 2 on claim 1, have been indicated to contain allowable subject matter. Accordingly these claims have been canceled and a new claim 38, which contains the features of original claims 1, 2, and 11, and a new claim 39, which contains the features of original claims 1, 2, and 15, have been inserted in the case. These claims are therefore allowable.

The claims have been amended to replace the word "arm" with rod to more clearly define over the structure of US 2,114,598

of Grissel. Support for this is found in the original translation on page 33, line 24.

More particularly, it is an essential feature of the invention as described in all three independent claim 1 that the arms supporting the canopy are wholly above the canopy and do not pass through the canopy. The parts 23 in Grissel are not the arms now defined as rods according to the invention but are cords which are fastened to the ribs 15, as described in page 2, left column, lines 61 - 64. There is no way these cords 23 can be termed "rods."

Instead, Grissel has ribs 15 that correspond to the rods according to the invention. These ribs 15 are not above the canopy in Grissel. but instead are below it, as in the admitted state of the art as shown in FIG. 1 of this application.

Going further, page 2, right column, lines 3 -10 states that the canopy 28 of this umbrella lies on top of the ribs 15. The text describes how the hood is attached to the ribs by means of small elongated saddles 29 that embrace the individual ribs 15 and are glued to the underside of the hood. This also can clearly be seen in the FIG. 4 of Grissel. Furthermore, FIG. 3 of Grissel also shows that the hood 28 is on top of the ribs 15. Accordingly, the claimed invention is not anticipated by this document.

The instant invention does have cables, but always in conjunction with the stiff arms, not clearly termed "rods" so that

there is also a clear distinction between the cables, which are what the examiner is equating to the rods/arms of this invention and this structure.

Grissel does not have support rods wholly above and not passing through the canopy. Thus a rejection under §102 is out of the question. Since there is no suggestion to reconfigure the umbrella with the rods on top, a §103 rejection on Grissel alone is also impossible.

US 808,249 of McGuire shows in FIG. 1 a sectional view of an umbrella which is well known in the art. There are no rods above the canopy. As clearly indicated in FIG. 3, the structure 8 above the canopy in McGuire are flexible cords. The rib structure 2--7 is wholly underneath the canopy, so that this reference is wholly cumulative to Grissel. The canopy is clearly illustrated to be lying atop the rib structure and below the cords 8. The drawing here is somewhat confusing, since the canopy is only shown behind the shaft 14, the section evidently being along a plane slightly forward of the shaft, and the canopy itself not actually being shown in section. Nonetheless it is clear by a comparison of views that the structure here is basically the same as that of Grissel.

US 3,252,469 of Peake also does not anticipate the invention. This document shows in FIG. 1 another known umbrella with the rods underneath the canopy. Combining these three

references in any imaginable way does not give a hint of suggestion that the ribs/rods/arms should be wholly above the canopy. All three references teach the opposite, namely providing all the stiff rib parts underneath the canopy.

Similarly, US 324,581 of Nesbitt further stresses the unobviousness of this invention by showing yet another invention with centrally hinged ribs that are underneath the canopy. This reference, at best, further emphasizes the unobviousness of the instant invention where the entire canopy-unfolding structure is above the canopy. No-one has such a system.

Since a goal of the invention is to leave the underside of the canopy unobstructed so that it can bear artwork or advertising, and this is not even hinted at in the applied references, it is hard to see a suggestion to modify them to comply with the instant invention as defined in the claims.

The amended claims are clearly allowable over the above-discussed art. Notice to that effect is earnestly solicited.

If only minor problems that could be corrected by means of a telephone conference stand in the way of allowance of this

case, the examiner is invited to call the undersigned to make the necessary corrections.

K.F. Ross P.C.

*//Andrew Wilford//*

by: Andrew Wilford, 26,597  
Attorney for Applicant

12 March 2008  
5683 Riverdale Avenue Box 900  
Bronx, NY 10471-0900  
Cust. No.: 535  
Tel: 718 884-6600  
Fax: 718 601-1099  
Email: [email@kfrpc.com](mailto:email@kfrpc.com)

Enclosure:      Corrected version  
                 Substitute Specification  
                 Substitute Abstract  
                 Replacement drawing (1 sheets)